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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,086	12/07/2004	Michael Man-Chung Tsang	GIL.P.US0032	6161
<div>7590 10/25/2007</div> <div>Rodney L Skoglund Renner Kenner Greive Bobak Taylor & Weber First National Tower Fourth Floor Akron, OH 44308-1456</div>				
			EXAMINER NGUYEN, CHI Q	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 10/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,086

Applicant(s)

TSANG, MICHAEL MAN-CHEUNG

Examiner

Chi Q. Nguyen

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/27/2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

This Office action is in response to applicant's patent application filed on 12/7/2004.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/7/2005 is being considered by the examiner.

Specification

The disclosure is objected to because of the following informalities: headings are missing. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regarding claim 1, a citation "within the void around that part of the fitting which extends into the void, and locating means adapted to co-operate with a mechanism by which the fitting is held in place..." is confusing. Claims 2-26 depending upon the rejected claim 1 are also rejected.

Regarding claims 22-24, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipate by US Patent No. 4,510,559 to Kristofek.

Claim 1:

Kristofek discloses a fitting protector for use with a fitting that extends through ceiling material into a void therebehind, comprising a shell 16/48 (see Fig. 3) adapted for location within the void around that part of the fitting which extends into the void, and locating means 66 adapted to co-operate with a mechanism by which the fitting is held in place, so as to hold the shell in place around the fitting such that the shell prevents insulating material in the void coming into contact with the fitting.

Claim 2:

Wherein the locating means 66 includes a tab that extends from the shell and in use lies against the ceiling material and is engaged by said mechanism.

Claim 3:

Wherein the locating means includes two or more tabs 66/54 (see Fig. 3).

Claim 4:

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Wherein each tab 66 extends inwardly from a lower edge 18 of the shell at right angles thereto.

Claim 5:

Wherein one edge 18 of the tab 66 is connected to one region of the shell and another edge 50 of the tab 54 is connected to a different region of the shell (see Fig. 3).

Claim 6:

Wherein the locating means include a slot 62 formed in the shell and through which slot part of the mechanism that holds the fitting will extend to thereby hold the shell in place.

Claim 7:

Wherein the slot is generally horizontal and is disposed close to the lower end of the shell.

Claim 8:

Wherein two slots 62 are provided on opposite sides of the shell 48.

Claim 9:

Wherein the shell comprises two relatively separable parts 48/16 to permit location of the shell around a fitting.

Claim 10:

Wherein each of the two parts is generally channel-shaped (see Fig. 3).

Claim 11:

Wherein each channel-shaped part has a pair of flanges 20/22 (one channel) and 60 (another channel) and the flanges of one part inter-engage with the flanges of the other part (see Fig. 3).

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Claim 12:

Wherein the connection between the two parts is adjustable such that the volume defined by the shell is adjustable (see Fig. 3).

Claim 13:

Wherein the outer edges of the flanges of one channel-shaped part are received in suitable adapted co-operating means provided on the flanges of the other channel-shaped part (see Fig. 3).

Claim 14:

Wherein the flanges of one channel-shaped part overlies the flanges of the other channel-shaped part and are connected thereto (Fig. 3).

Claim 15:

Wherein the two parts are connected together using clips 64 that pass over the flanges in the region of overlap between the flanges.

Claim 16:

Wherein the flanges of one part are a tight sliding fit between the flanges of the other part (see Fig. 3).

Claim 17:

Wherein the two parts are hingedly connected together (see Fig. 4).

Claim 18:

Wherein the shell is generally rectangular and each channel-shaped part has a generally rectangular cross-section (see Fig. 3).

Claim 19:

Wherein the shell is closed at its end furthest from the ceiling material.

Claim 20:

Wherein the fitting around which the fitting protector is mounted is a light fitting (Fig. 4).

Claim 21:

Wherein the shell is adapted to support a transformer or other electrical component 12 connected to the fitting.

Claim 22:

Wherein the upper edge of the shell is cut to form one or more tongue 62 that may be bent out of the plane of the shell to allow engagement thereto of a transformer or other component.

Claim 23:

Wherein pegs 36/46 are removably attached to the shell and the transformer or other component may be located on the pegs.

Claim 24:

Wherein prongs 28/58 are attached to the shell and in normal use lie substantially parallel to and against the shell, but which may be selectively bent away therefrom to permit the support of a transformer or other component.

Claim 25:

Wherein an opening 26 is formed in the shell and a tie member 64 is provided such that a transformer or other component may be supported on the shell by engagement of the member with the opening and the component.

Claim 26:

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Wherein the tie member 64 is a strip of metal that may pass through the opening and can be bent around the component (see Figs. 3-4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.


CQN

10/16/2007

/J. CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3635